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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Austria, Chile, Cyprus, Czechia, Finland, Germany, Guatemala, Hungary, Japan, Liechtenstein, Luxembourg, Monaco, Romania, Slovenia and Switzerland: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights[1] as well as other relevant existing international and regional standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration, and all relevant resolutions of the Human Rights Council,

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and dialogue between these minorities and the rest of society, as well as the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[2] of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development[3] is an integral part, recalling that the Sustainable Development Goals and targets seek to realize the human rights of all, and stressing

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 70/1.
[3] Resolution 69/313, annex.

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the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation, follow-up and review of the 2030 Agenda, in order to ensure that no one is left behind,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that such persons often suffer disproportionately from the effects of conflicts resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, revocation of previously held identity documents, refugee flows and forced relocation,

Emphasizing the need for reinforced efforts to realize the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing economic and social conditions and marginalization, as well as to end any type of discrimination against them, including by addressing multiple, aggravated and intersecting forms of discrimination,

Emphasizing also the fundamental importance of human rights education, training and learning as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Affirming that the twenty-fifth anniversary of the adoption of the Declaration offers an important opportunity to intensify efforts to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by taking stock of, and sharing among States and other stakeholders information on, the achievements, best practices and challenges with regard to the implementation of the Declaration, the diverse ways in which it has been used and implemented in practice at the local, national, regional and international levels and the impact that it has had on national legislation, policies and practices and institutional mechanisms and their activities and programmes to advance the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as the effect that it has had on the ground,

Emphasizing the important role that national institutions, the United Nations and its specialized agencies and other relevant organizations, as well as the Special Rapporteur of the Human Rights Council on minority issues, play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, promoting the implementation of the Declaration,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[5] including the provisions on forms of multiple discrimination;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the

[4] Resolution 47/135, annex.

[5] See A/CONF.189/12 and Corr.1, chap. I.

facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. *Urges* States to take all appropriate measures, inter alia, constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Recommends* that States use the twenty-fifth anniversary of the Declaration as an opportunity to reflect on current and emerging challenges facing persons belonging to national or ethnic, religious and linguistic minorities, including the rise in persecution on religious and ethnic grounds and increasing levels of hate crimes and hate speech targeting, among others, persons belonging to national or ethnic, religious and linguistic minorities;

5. *Also recommends* that States ensure that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

6. *Calls upon* States to give special attention to the situation and specific needs of women, children, older persons and persons with disabilities belonging to minorities while promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities;

7. *Recommends* that States and other relevant actors ensure to the fullest extent possible that the Declaration is translated into all minority languages and disseminated widely;

8. *Expresses its appreciation* for the successful completion, in November 2016, of the ninth session of the Forum on Minority Issues, on the theme "Minorities in situations of humanitarian crises", which, through the widespread participation of stakeholders, provided an important platform for the promotion of dialogue on this topic and, as part of its outcome, produced recommendations to prevent crises and the disproportionate effect of crises on minorities, promote a minority rights-based approach during crises and ensure durable solutions for minorities after crises,[6] and encourages States to take into consideration the relevant recommendations of the Forum;

9. *Calls upon* States, while bearing in mind the theme of the ninth session of the Forum and with a view to enhancing the implementation of the Declaration and ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Removing any provision in law or in practice that discriminates against persons belonging to national or ethnic, religious and linguistic minorities and which may render them vulnerable;

(b) Preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including by adopting measures to criminalize incitement to violence based on nationality, race, religion or belief, while respecting all internationally recognized human rights and fundamental freedoms;

[6] A/HRC/34/68.

(c) Developing effective and adequate disaster risk reduction programmes that include measures to enhance the preparedness of potentially affected populations and, where necessary, address the specific needs of persons belonging to national or ethnic, religious and linguistic minorities;

(d) Ensuring that protection responses are participatory, non-discriminatory and sensitive to the specific needs of persons belonging to national or ethnic, religious and linguistic minorities;

(e) Ensuring the restitution or reissuance of identity documents to persons belonging to national or ethnic, religious and linguistic minorities after a humanitarian crisis, including documents such as birth certificates or nationality documentation, so that the risk of statelessness is prevented;

(f) Ensuring that persons belonging to national or ethnic, religious and linguistic minorities affected by displacement are adequately included in any durable solution, strategy or displacement-focused policy developed following the displacement of a population;

10. *Also calls upon* States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

11. *Welcomes* the report of the Secretary-General on the effective promotion of the Declaration[7] and the reports of the Special Rapporteur of the Human Rights Council on minority issues, and their special focus on the human rights of persons belonging to national or ethnic, religious and linguistic minorities in situations of humanitarian crises[8] and on main concerns and recommendations set out in all thematic reports of the past six years;[9]

12. *Commends* the Special Rapporteur on minority issues for the work that has been done and the important role played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities;

13. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to him, to provide him with all the necessary information requested and to seriously consider responding promptly and favourably to the requests of the Special Rapporteur to visit their countries in order to enable him to fulfil his duties effectively;

14. *Encourages* the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

15. *Calls upon* the United Nations High Commissioner for Human Rights to continue to promote, within his mandate, the implementation of the Declaration, and to engage in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

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[7] A/72/219.
[8] A/71/254.
[9] A/72/165.

16. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

17. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the prevention and resolution of disputes and conflicts, to assist in resolving existing or potential situations involving minorities;

18. *Invites* the human rights treaty bodies, as well as special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

19. *Invites* the United Nations mechanisms and bodies, the specialized agencies and regional organizations, within their respective mandates, to continue to contribute to the protection and the prevention of violations of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by strengthening cooperation in respect of information-gathering and improving the information flow between themselves and with States;

20. *Encourages* regional intergovernmental bodies, within their respective regions, to promote greater attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, actively raising awareness of and promoting the Declaration in their work, encouraging its implementation at the national level and considering the creation of thematic and/or special mechanisms on this issue;

21. *Encourages* national human rights institutions to pay due attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by monitoring situations of potential threats for persons belonging to national or ethnic, religious and linguistic minorities, and by investigating and reporting, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[10] and their respective mandates, episodes of targeted violence against persons belonging to minorities, including, when necessary, to regional and international bodies;

22. *Encourages* civil society, including non-governmental organizations, to promote awareness of the Declaration and to review the extent to which it integrates the rights of persons belonging to national or ethnic, religious and linguistic minorities and the Declaration into its work, as well as to inform persons belonging to national or ethnic, religious and linguistic minorities about their rights;

23. *Requests* the Special Rapporteur to report annually to the General Assembly and include recommendations for effective strategies for the better implementation of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

24. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the implementation of the present resolution, including information on activities undertaken by Member States, the Office of the

[10] Resolution 48/134, annex.

High Commissioner, the Special Rapporteur on minority issues, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and an analysis of the international legal and institutional framework for the protection of the rights of all persons belonging to national or ethnic, religious and linguistic minorities;

25. *Decides* to continue consideration of the question at its seventy-fourth session under the item entitled "Promotion and protection of human rights".